

## Coast Guard, Dept. of Homeland Security

## § 68.01-5

### Subpart 68.03—[Reserved for Regulation, as Necessary, of Vessels Documented Under the Act of August 9, 1954]

### Subpart 68.05—Documentation of Certain Vessels for Oil Spill Cleanup

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#### APPENDIX A TO SUBPART 68.05—OATH FOR QUALIFICATION OF A NOT-FOR-PROFIT OIL SPILL RESPONSE COOPERATIVE

#### APPENDIX B TO SUBPART 68.05—OATH FOR DOCUMENTATION OF VESSELS FOR USE BY A NOT-FOR-PROFIT OIL SPILL RESPONSE COOPERATIVE

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SOURCE: CGD 80-107, 47 FR 27511, June 24, 1982, unless otherwise noted.

### Subpart 68.01—Regulations Implementing Provisions for 46 U.S.C. App. 883-1

#### § 68.01-1 Definitions for the purposes of this subpart.

*Act* means the Act of September 2, 1958 (46 U.S.C. App. 883-1).

*883-1 citizen* or *883-1 corporation* means a corporation which qualifies for the special citizenship status created by the Act of September 2, 1958 (46 U.S.C. App. 883-1).

*Parent corporation* means one incorporated under the laws of the United States, or any state, territory, or district of the United States, which controls (directly or indirectly) at least 50 percent of the voting stock of another corporation.

*Subsidiary corporation* means one incorporated under the laws of the United States, or any state, territory, or district of the United States, which has not less than 50 percent of its vot-

ing stock controlled (directly or indirectly) by another corporation.

[CGD 80-107, 47 FR 27511, June 24, 1982, as amended by CGD 95-028, 62 FR 51203, Sept. 30, 1997]

#### § 68.01-3 Requirements for citizenship under 46 U.S.C. App. 883-1.

A corporation seeking to establish its citizenship under the Act of September 2, 1958 (46 U.S.C. App. 883-1) must meet the following criteria as specified in the Act:

(a) It must be incorporated under the laws of the United States, or any state, territory, district, or possession of the United States;

(b) A majority of the officers and directors of the corporation must be citizens of the United States;

(c) Not less than 90 percent of the employees of the corporation must be residents of the United States;

(d) Such corporation must be engaged primarily in a manufacturing or mineral industry in the United States or any territory, district, or possession of the United States;

(e) The aggregate book value of the vessels owned by the corporation must not exceed 10 percent of the aggregate book value of the assets of the corporation; and

(f) The corporation must purchase or produce in the United States, its territories or possessions, not less than 75 percent of the raw materials used or sold in its operations.

NOTE: A corporation which qualifies as an 883-1 citizen by meeting the criteria in paragraph (a) of this section is not thereby precluded from qualifying as a citizen under any definition in part 67 upon compliance with all applicable requirements.

[CGD 80-107, 47 FR 27494, June 24, 1982, as amended at 47 FR 35488, Aug. 16, 1982; CGD 95-028, 62 FR 51203, Sept. 30, 1997]

#### § 68.01-5 Qualification as an 883-1 corporation.

(a) To be formally qualified as an 883-1 corporation for all purposes under the Act, a corporation which meets the requirements of § 68.01-3 must file with the Director, National Vessel Documentation Center a certificate under oath as described in appendix A.

(b) Upon the filing of the certificate required under paragraph (a) of this

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section, the Director, National Vessel Documentation Center will furnish the corporation a Certificate of Compliance which is valid for a period of 3 years from the date of its issuance, unless there is a change in corporate status requiring a report under § 68.01-9(a) of this subpart. On or before the date of expiration of the Certificate of Compliance, a new certificate under oath as described in appendix A must be filed with the Director, National Vessel Documentation Center.

(Approved by the Office of Management and Budget under control number 1625-0027)

[GCD 89-007; GCD 89-007a, 58 FR 60266, Nov. 15, 1993, 58 FR 65131, Dec. 13, 1993, as amended by CGD 95-014, 60 FR 31605, June 15, 1995; USCG-1999-6216, 64 FR 53225, Oct. 1, 1999; USCG-2002-13058, 67 FR 61279, Sept. 30, 2002; USCG-2006-25697, 71 FR 55746, Sept. 25, 2006]

### § 68.01-7 Qualification as a parent or subsidiary.

(a) To be formally qualified as a parent corporation, as defined in § 68.01-1, a corporation must file with the Director, National Vessel Documentation Center a certificate under oath as described in appendix B.

(b) To be formally qualified as subsidiary corporation as defined in § 68.01-1, a corporation must file with the Director, National Vessel Documentation Center a certificate under oath as described in appendix B.

(c) Upon the filing of the certificate required under paragraph (a) or (b) of this section, the Director, National Vessel Documentation Center will furnish the corporation a certificate of parent or subsidiary status which is valid for a period of 3 years from the date of its issuance unless there is a change in corporate status requiring a report under § 68.01-9(a) of this subpart. On or before the date of expiration of the certificate of parent or subsidiary status, a new certificate under oath as described in appendix B must be filed with the Director, National Vessel Documentation Center.

[CGD 89-007, CGD 89-007a, 58 FR 60266, Nov. 15, 1993; 58 FR 65131, Dec. 13, 1993, as amended by CGD 95-014, 60 FR 31605, June 15, 1995; USCG-1999-6216, 64 FR 53225, Oct. 1, 1999; USCG-2002-13058, 67 FR 61279, Sept. 30, 2002]

### § 68.01-9 Cessation of qualification.

(a) If after filing the certificate required by § 68.01-5 of this subpart, a change occurs whereby an 883-1 corporation no longer meets the criteria in § 68.01-3(a), that corporation's qualification for the privileges enumerated in §§ 68.01-11 and 68.01-13 is terminated effective as of the date and time of the change. The corporation must report the change in writing to the Director, National Vessel Documentation Center.

(b) If, after filing the certificate required by § 68.01-7 of this subpart, a change occurs whereby the corporation is no longer entitled to be deemed a parent or subsidiary corporation, that corporation's qualification for the privileges in §§ 68.01-11 and 13 is terminated effective as of the date and time of the change. The corporation must report such change in writing to the Director, National Vessel Documentation Center.

[CGD 89-007, CGD 89-007a, 58 FR 60266, Nov. 15, 1993; 58 FR 65131, Dec. 13, 1993, as amended by CGD 95-014, 60 FR 31605, June 15, 1995; USCG-1999-6216, 64 FR 53225, Oct. 1, 1999]

### § 68.01-11 Privileges conferred—documentation of vessel.

The special citizenship status created by the Act entitles the 883-1 corporation to document certain vessels for certain limited purposes:

(a) An 883-1 corporation may document under the Act only vessels which are qualified for employment in the coastwise trade and which are either non-self propelled or, if self-propelled, are of less than 500 gross tons.

(b) A vessel owned by an 883-1 corporation and meeting the criteria in paragraph (a) of this section may be documented only for use in the coastwise trade subject to the restrictions in § 68.01-15.

(c) Section 68.01-17 contains details concerning the documentation of vessels by an 883-1 corporation.

### § 68.01-13 Privileges conferred—operation of vessels.

(a) The special citizenship status created by the Act entitles the 883-1 corporation to operate, subject to the restrictions in § 68.01-15, vessels which are qualified to engage in the coastwise